United Nations ECE/MP.PP/C.1/2016/9

Economic and Social Council

Distr.: General
28 February 2018

Original: English

Economic Commission for Europe

Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Compliance Committee

Fifty-fifth meeting
Geneva, 6–9 December 2016

Report of the Compliance Committee on its fifty-fifth meeting

Contents

		Page
	Introduction	2
	A. Attendance	2
	B. Organizational matters	2
I.	Submissions, referrals and requests under the Convention	3
II.	Communications from members of the public	3
III.	Reporting requirements	10
IV.	Follow-up on specific cases of non-compliance	11
V.	Programme of work and calendar of meetings	13
VI.	Other business	14
	A. Modus operandi	14
	B. Other matters	14
VII.	Adoption of the report and closure of the meeting	15

GE.18-03015(E)

1803015

Please recycle

Introduction

1. The fifty-fifth meeting of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was held from 6 to 9 December 2016 in Geneva, Switzerland.

A. Attendance

2. All the Committee members were present throughout the meeting. Members having declared a conflict of interest with respect to particular cases did not participate in closed sessions deliberating on those cases.

3. Representatives of the submitting Party and the Party concerned in submission ACCC/S/2015/2 (Belarus), submitted by Lithuania, took part in the hearing in open session on 7 December concerning the submission. A representative of the non-governmental organization (NGO) Ecohome (Belarus) and Mr. Ramunas Bogdanas, a member of the public, took part in this session as observers.

4. Representatives of the Party concerned and the communicant of communication PRE/ACCC/C/2016/142 (United Kingdom of Great Britain and Northern Ireland) took part by audio conference in the open session on preliminary admissibility on 6 December 2016. Representatives of the Party concerned and the communicant of communication PRE/ACCC/C/2016/143 (Czechia) took part in the open session on preliminary admissibility on 6 December 2016 in person and, on the part of the Party concerned, also by audio conference. Representatives of Armenia, Czechia, the European Union, Germany and Kazakhstan took part by audio conference, and representatives of Bulgaria and Belarus took part in person, in the open sessions on the follow-up on decisions of the Meeting of the Parties concerning compliance by those Parties. Representatives of Lithuania and Ecohome (Belarus) took part in person as observers in the open session on decision V/9c concerning Belarus. In addition, the following persons participated by audio conference in the open sessions on the follow-up on decisions of the Meeting of the Parties on compliance: on decision V/9d concerning Bulgaria, representatives of the communicant of communication ACCC/C/2010/58 (Bulgaria); on decision V/9g, the communicant of communication ACCC/C/2010/54 (European Union); and on decision V/9h, two representatives participated as observers on behalf of five German NGOs — Naturschutzbund e.V., Bund für Umwelt und Naturschutz e.V. Deutscher Naturschutzring e.V., WWF Deutschland and Greenpeace e.V.

5. Representatives of Belgium and the NGO Apriori (Georgia) also took part in the open session on relevant developments. Participating as observers during all open sessions of the meeting were representatives of the NGOs Earthjustice (Switzerland) and OEKOBUERO (Austria), both of whom participated on behalf of the European ECO Forum.

B. Organizational matters

6. The Chair of the Compliance Committee, Jonas Ebbesson, opened the meeting.

7. The Committee adopted its agenda as set out in document ECE/MP.PP/C.1/2016/8.

I. Submissions, referrals and requests under the Convention

8. The Committee held a hearing to discuss the substance of submission ACCC/S/2015/2 (Belarus), submitted by Lithuania, in open session with the participation of representatives of the Party concerned and the submitting Party. Following the hearing, the Committee commenced its deliberations on its draft findings and agreed to continue its deliberations at its fifty-sixth meeting (Geneva, 28 February–3 March 2017).

9. With respect to ACCC/S/2016/3 (Albania), the Chair reported that since the fifty-fourth meeting (Geneva, 27–30 September 2016) the secretariat, acting under his instructions, had been in contact with the Party concerned with respect to arrangements for a possible mission by the Chair and Vice Chair of the Committee in mid-November 2016. However, on the basis of information provided by the Party concerned on 24 October 2016, it had become apparent that there were ongoing domestic proceedings that dealt with issues that were significantly intertwined with the issues before the Committee in the context of the submission. Accordingly, in line with paragraph 21 of the annex to decision I/7, the Chair and Vice-Chair of the Committee had decided that it would not be possible to examine the communication until domestic proceedings had been completed. The Committee agreed with the above approach and to postpone the proposed mission until such time as the domestic proceedings were concluded.

10. No referrals had been made by the secretariat since the Committee's last meeting.

11. With respect to Meeting of the Parties request ACCC/M/2014/1 (former Yugoslav Republic of Macedonia), the secretariat reported that, by email of 3 October 2017, the Party concerned had informed it that owing to severe flooding in the country, to which the Ministry for Environment and Physical Planning had had to dedicate all available resources, it had not yet been possible to complete the preparation of its national implementation report for the fourth reporting cycle. The Party concerned reiterated its intention to submit the report in the near future. After taking into account the information received, the Committee instructed the secretariat to inform the Party concerned that in absence of the prompt submission of the above-mentioned report the Committee would commence the preparation of findings on the Party's compliance with the reporting obligation in article 10, paragraph 2, of the Convention.

12. Concerning advisory request ACCC/A/2014/1 (Belarus), the Committee agreed to defer its deliberations on its draft recommendations until its next virtual meeting, with a view to completing its draft recommendations, which, once agreed, would be sent for comment to the Party concerned.

II. Communications from members of the public

13. The Committee agreed that the deadline for the receipt of new communications to be considered for preliminary admissibility at its fifty-sixth meeting would be 24 January 2017.

14. Concerning communication ACCC/C/2008/32 (part II) (European Union), the Committee took note of the comments on the draft findings received from the Party concerned on 18 October 2016 and the comments from the communicant on those comments received on 28 November 2016. In its comments on the draft findings, the Party concerned had requested a second hearing on the substance of the communication. After taking into account the submissions on that point made by the Party concerned in paragraphs 1–9 of its comments, the Committee decided not to grant the Party's request for a second hearing and to briefly set out its reasons for refusing the request in its findings. The Committee continued its deliberations on the draft findings taking the comments received into account. The Committee agreed to continue its deliberations through its

electronic decision-making procedure and, as needed, at its next virtual meeting, with a view to finalizing and adopting its findings. It instructed the secretariat to send the findings, once adopted, to the Party concerned and the communicant and to prepare the adopted findings as an official pre-session document for its fifty-seventh meeting (Geneva, 27–30 June 2017), ensuring their availability in the three official languages of ECE.

15. With respect to communication ACCC/C/2008/38 (United Kingdom), the secretariat informed the Committee that it had endeavoured to contact the communicant's legal representative by email and telephone to seek the communicant's views on the letter of 10 October 2015 from the Party concerned, but had not so far been successful. The Committee requested the secretariat to send a letter by registered mail and agreed that it would decide how to proceed once the communicant's comments were received or, if there was no reply, once the deadline set out in the letter to be sent by registered mail had expired.

16. Regarding communication ACCC/C/2013/81 (Sweden), the Chair reported that the Committee had adopted its findings through its electronic decision-making procedure on 18 November 2016 and had instructed the secretariat to send the adopted findings to the Party concerned and the communicant. It had also requested the secretariat to prepare the findings as an official pre-session document for the Committee's fifty-sixth meeting, ensuring their availability in the three official languages of ECE.

17. With respect to communication ACCC/C/2013/87 (Ukraine), the Chair reported that a letter had been sent to the communicant asking whether he considered that the general issues of compliance raised in his communication could adequately be dealt with in the context of the follow-up on decision V/9m (Ukraine). By email dated 1 November 2016, the communicant had informed the Committee that he agreed that the communication could be dealt with in the context of the follow-up on decision V/9m. The Committee accordingly agreed to close the case and decided that the general issues raised in the communication would be reviewed in the context of the Committee's report to the Meeting of the Parties on decision V/9m.

18. Concerning communication ACCC/C/2013/88 (Kazakhstan), the Committee agreed to continue its deliberations through its electronic decision-making procedure and, as needed, at its next virtual meeting, with a view to finalizing and adopting its findings. It instructed the secretariat to send the findings, once adopted, to the Party concerned and the communicant and to prepare the adopted findings as an official pre-session document for its fifty-seventh meeting, ensuring their availability in the three official languages of ECE.

19. With respect to communication ACCC/C/2013/89 (Slovakia), the Chair reported that the draft findings were currently being revised and that the Committee would complete the revised draft findings through the electronic decision-making procedure. The Committee requested the secretariat to send the revised draft findings to the Party concerned and the communicant for comment in accordance with the procedure set out in paragraph 34 of the annex to decision I/7 of the Meeting of the Parties. The Committee would take into account any comments received when finalizing and adopting the findings. It instructed the secretariat to send the findings, once adopted, to the Party concerned and the communicant and to prepare the adopted findings as an official pre-session document for its fifty-sixth meeting, ensuring their availability in the three official languages of ECE.

20. Concerning communication ACCC/C/2013/90 (United Kingdom), the Committee noted that the communicant had not yet sent his replies to the Committee's letter of 27 September 2016 enclosing questions for his reply by 1 November 2016. The secretariat had sent the communicant a reminder on 25 November 2016, to which the communicant had indicated by email of 26 November 2016 that he had in fact not previously received the letter of 27 September 2016 and therefore sought further time to provide his reply. The Committee agreed in the circumstances to give the communicant an extension to the deadline for his reply. The Committee also took note of the further information provided by

the Party concerned on 2 December 2016 and by the communicant on 6 December 2016. The Committee agreed that it would decide how to proceed with the communication at its next meeting in the light of the information received.

21. With respect to communication ACCC/C/2013/91 (United Kingdom), the Committee agreed to defer its deliberations on its draft findings until its next virtual meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

22. With respect to communication ACCC/C/2013/92 (Germany), the Committee noted that its draft findings had been sent to the Party concerned and the communicant on 18 November 2016 for their comments by 16 December 2016. By email of 21 November 2016, the Party concerned had sought an extension of the deadline for commenting on the draft findings and, by email of 24 November 2016, the communicant had indicated that she welcomed the draft findings. In its email of 25 November 2016, the secretariat had conveyed the Chair's agreement to grant an extension to both parties until 20 January 2017. The Committee agreed to take into account any comments received by that deadline when finalizing the findings at its fifty-sixth meeting.

23. Concerning communication ACCC/C/2013/93 (Norway), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

24. Concerning communication ACCC/C/2013/96 (European Union), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

25. Concerning communication ACCC/C/2013/98 (Lithuania), the Committee agreed to defer its deliberations on its draft findings until its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

26. With respect to communication ACCC/C/2014/99 (Spain), the Committee noted that, at its virtual meeting on 13 September 2016, the Committee had revised its draft findings and had agreed that they would be completed through the electronic decision-making procedure. The revised draft findings would then be sent to the Party concerned and the communicant for comment in accordance with the procedure set out in paragraph 34 of the annex to decision I/7. The Committee would take into account any comments received on the revised draft findings when finalizing and adopting the findings.

27. Concerning communication ACCC/C/2014/100 (United Kingdom), the Committee took note of the statement received from an observer, Ms. Michelle Rispin, on 21 October 2016, the replies to the Committee's questions of 26 September 2016 received from the communicant and Party concerned on 28 and 31 October 2016, respectively, and each party's comments on the other party's replies dated 11 November 2016. The Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

28. With respect to communication ACCC/C/2014/101 (European Union), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

29. Regarding communication ACCC/C/2014/102 (Belarus), the Committee noted that by letter of 14 November 2016 questions had been sent to the Party concerned for its reply by 2 December 2016, together with a request for copies of relevant documents and English translations thereof. The secretariat informed the Committee that the Party concerned had asked for a month's extension of the deadline owing to the need to request documents from several authorities. The Committee granted the extension and thereafter continued its deliberations in closed session. The Committee agreed to continue its deliberations at its next meeting, taking into account the response to be received from the Party concerned, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

30. With respect to communication ACCC/C/2014/104 (Netherlands), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

31. Concerning communication ACCC/C/2014/105 (Hungary), the Committee took note of the replies to the Committee's questions of 5 November 2016 from the Party concerned on 29 November 2016 and the communicant's comments of 3 December 2016 on the Party's replies. The Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations.

32. Concerning communication ACCC/C/2014/106 (Czechia), the Committee agreed to defer its deliberations on its draft findings until its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

33. With respect to communication ACCC/C/2013/107 (Ireland), the Committee noted that, by letter of 28 October 2016, questions had been sent to the parties for their reply by 18 November 2016 and that both parties had provided their replies to the Committee's questions on the due date. On 28 November 2016, each party had provided comments on the other party's replies to the Committee's questions and an NGO observer, Environmental Pillar, had provided comments on the parties' replies to the Committee's questions on the same date. The Committee noted that, in its comments dated 28 November 2016, the Party concerned had, inter alia, asserted that the communicant had provided confidential correspondence from unpublished court proceedings, including a ruling of the taxing master, without the permission of the parties involved and had requested that the document be removed from the Committee's website, at least in its present form. The Committee agreed to request the Party concerned to clarify which information contained in the document should be redacted and to temporarily remove it from the website pending the Party's clarification. The Committee thereafter continued its deliberations in closed session taking into account the information received and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

34. Regarding communication ACCC/C/2014/109 (Hungary), the Committee noted that the communicant had been asked to respond to the Committee's questions dated 28 September 2016 by 20 October 2016, but to date there had been no response. Noting that it was possible that the communicant had not received the Committee's questions, which had been sent by email, the Committee instructed the secretariat to resend the Committee's questions by registered mail with an extended deadline and to inform the communicant that, if no reply was received by the extended deadline, the Committee would close the case in accordance with paragraphs 19 and 20 of the annex to decision I/7.

35. With respect to communication ACCC/C/2014/111 (Belgium), the Committee took note of the information provided by the Party concerned on 8 December 2016. The Committee also noted that it had agreed at its fifty-fourth meeting to send questions to the parties for their reply. It agreed to defer its deliberations on its draft findings until its next meeting in order to take into account the parties' replies to the questions once received, with a view to thereafter completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

36. Concerning communication ACCC/C/2014/112 (Ireland), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

37. With respect to communication ACCC/C/2014/113 (Ireland), the Committee took note of the comments received from the communicant and the Party concerned on 28 November and 2 December 2016, respectively, in response to the secretariat's email dated 18 November 2016 seeking their views as to whether they considered that, in the light of the recent request by the High Court in *North East Pylon Pressure Campaign Limited & anor v. An Bord Pleanála & ors (No. 2)*[1] to the Court of Justice of the European Union for a preliminary ruling, the Committee's deliberations should be deferred pending the delivery of the preliminary ruling. After taking into account the comments received, the Committee agreed not to defer its deliberations and to continue its deliberations at its fifty-sixth meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

38. Concerning communication ACCC/C/2014/118 (Ukraine), the Committee noted that, at its fifty-fourth meeting, it had requested the secretariat to ask the ECE Executive Secretary to write to the Minister of Foreign Affairs of the Party concerned, conveying the Committee's serious concern at the ongoing failure to respond to the communication and to inform the Party that if no response was received by the date stated in the reminder letter, the Committee would schedule the hearing to discuss the substance of the communication notwithstanding the Party's lack of response.

39. Regarding communication ACCC/C/2014/119 (Poland), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

40. Concerning communication ACCC/C/2014/120 (Slovakia), the Committee continued its deliberations in closed session and agreed to continue those deliberations at its next meeting, with a view to completing its draft findings and, as appropriate,

[1] [2016] IEHC 490.

recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

41. Regarding communication ACCC/C/2014/121 (European Union), the Committee noted that, by the secretariat's letter of 4 November 2016, both parties had been invited to provide any final written submissions by 30 November 2016. By email of 25 November, the secretariat had invited the communicant to include in its submissions any comments it wished to make on the submissions on admissibility contained in the response by the Party concerned to the communication dated 27 November 2015. By email of 5 December 2016, the communicant had provided its final written submissions. No final written submissions had been received from the Party concerned. The Committee agreed to defer the commencement of its deliberations until its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

42. With respect to communication ACCC/C/2014/122 (Spain), the Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-seventh meeting.

43. Concerning communication ACCC/C/2014/123 (European Union), the Committee commenced its deliberations in closed session, taking into account the written submissions received from the Party concerned and the communicant on 2 and 16 September 2016, respectively. The Committee agreed its draft findings, subject to some minor editing points to be agreed through its electronic decision-making procedure, and instructed the secretariat to send the draft findings, once agreed, to the Party concerned and the communicant for their comments.

44. Regarding communication ACCC/C/2014/124 (Netherlands), the Committee agreed to defer its deliberations on its draft findings until its next meeting, with a view to completing its draft findings and, as appropriate, recommendations. Once agreed, the draft findings and any recommendations would be sent for comment to the Party concerned and the communicant.

45. With respect to communication ACCC/C/2015/126 (Poland), the Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-seventh meeting.

46. Regarding communication ACCC/C/2015/128 (European Union), the Committee took note of the comments received from the communicant and the Party concerned on 24 and 26 November 2016, respectively, in response to the Committee's question as to whether they considered that a hearing was needed before the Committee's commenced its deliberations. After taking account of the comments received, the Committee provisionally scheduled to hold a hearing to discuss the substance of the communication at its fifty-seventh meeting.

47. With respect to communication ACCC/C/2015/129 (Ireland), the Committee noted that, after some delay, the communicant had provided its reply to the Committee's questions on 8 December 2016. The Committee accordingly instructed the secretariat to forward the communication to the Party concerned for its response.

48. Concerning communication ACCC/C/2015/130 (Italy), the Committee noted that the response to the communication received from the Party concerned contained insufficient information to conduct a hearing. The Committee therefore agreed that it would send questions to the communicant and the Party concerned to obtain further information. The Committee would decide how to proceed with the communication in the light of the comments received.

49. With respect to communication ACCC/C/2015/131 (United Kingdom), the Committee took note of the comments received from the Party concerned on 31 October 2016 regarding the communicant's comments of 6 June 2016. The Committee also noted that at its fifty-third meeting (Geneva, 21–24 June 2016) it had agreed to ask the communicant to comment on the submissions on admissibility made by the Party concerned in its response, including the extent to which her allegations regarding costs raised any issues that were not already being examined by the Committee in its review of the implementation of decision V/9n (United Kingdom). The Committee agreed to decide how to proceed with the communication in the light of the comments received from the communicant in that regard.

50. Regarding communication ACCC/C/2015/132 (Ireland), the Committee noted that at its fifty-fourth meeting it had agreed to ask the communicant to comment on the submissions on admissibility made by the Party concerned in its response to the communication. The Committee agreed to decide how to proceed with the communication in the light of the comments received.

51. With respect to communication ACCC/C/2015/133 (Netherlands), the Committee noted that at its fifty-fourth meeting it had agreed to send to both the communicant and the Party concerned further questions concerning the availability of domestic remedies. The Committee agreed to decide how to proceed with the communication in the light of the replies received.

52. Concerning communication ACCC/C/2015/134 (Belgium), the Committee took note of the oral statement made by a representative of the Party concerned during the session on relevant developments, and agreed to forward it to the communicants for their possible comments. The Committee provisionally scheduled that it would hold a hearing to discuss the substance of the communication at its fifty-seventh or fifty-ninth meeting (Geneva, 11–15 December 2017.

53. With respect to communication ACCC/C/2015/135 (France), the Committee noted that the Party concerned had provided its response to the communication on 11 August 2016 on time and the communicant had provided comments on that response on 20 September 2016. The Committee provisionally scheduled that it would hold the hearing to discuss the substance of the communication at its fifty-seventh or fifty-ninth meeting.

54. Regarding communication ACCC/C/2016/137 (Germany), the Committee noted that the communication had been forwarded to the Party concerned on 3 August 2016 for its response. It further noted that the deadline of 3 January 2017 for its response had not yet expired and the Party's response had not yet been received.

55. Concerning communication ACCC/C/2016/138 (Armenia), the Committee noted that the communication had been forwarded to the Party concerned on 27 September 2016 for its response. It further noted that the deadline of 27 February 2017 for its response had not yet expired and the Party's response had not yet been received.

56. Regarding communication ACCC/C/2016/139 (Ireland), the Committee noted that the communication had been forwarded to the Party concerned on 6 December 2016 for its response. It further noted that the deadline of 6 May 2017 for its response had not yet expired and the Party's response had not yet been received.

57. With respect to communication ACCC/C/2016/140 (Romania), the Committee noted that the communication had been forwarded to the Party concerned on 6 December 2016 for its response. It further noted that the deadline of 6 May 2017 for its response had not yet expired and the Party's response had not yet been received.

58. With respect to communication ACCC/C/2016/141 (Ireland), the Committee noted that the communication had been forwarded to the Party concerned on 6 December 2016

for its response. It further noted that the deadline of 6 May 2017 for its response had not yet expired and the Party's response had not yet been received.

59. Regarding communications received since 23 August 2016 (the deadline for receipt of communications for the fifty-fourth meeting), the Chair reported that he and the Vice-Chair had held a telephone conference on 15 November 2016 to determine which of the submissions received by the secretariat between 23 August and 1 November 2016 (the deadline for receipt of communications for the fifty-fifth meeting) should be forwarded to the Committee for consideration as to their preliminary admissibility. The Chair and the Vice-Chair had decided that communication PRE/ACCC/C/2016/143 (Czechia) should be forwarded to the Committee for consideration of preliminary admissibility at its fifty-fifth meeting and had requested the secretariat to post that communication on the Committee's website.

60. In accordance with the above, the Committee considered the preliminary admissibility of one new communication and one communication deferred from its fifty-fourth meeting (as set out below).

61. Communication ACCC/C/2016/142 (United Kingdom) had been submitted by a member of the public, John Hemming, on 23 August 2016. The communication alleged non-compliance with article 9, paragraphs 2, 3, 4 and 5, of the Convention with respect to a costs order for court proceedings brought by the communicant to enforce waste legislation. With respect to the preliminary admissibility of the communication, the Committee heard the views of the Party concerned and communicant by audio conference. During the audio conference, the communicant clarified that, while he did not wish to allege violations of article 9, paragraphs 2 and 3, he maintained his allegations under article 9, paragraphs 4 and 5, of the Convention. After considering in closed session the information received, the Committee determined that the communication was preliminarily admissible. It requested the secretariat to forward the communication to the Party concerned for its response. Committee member Áine Ryall was confirmed as curator for the case.

62. Communication ACCC/C/2016/143 (Czechia) was submitted on 31 October 2016 by two NGOs, OEKOBUERO and Global 2000, and three citizens' associations, Jihočeské matky, z.s., Calla and the Aarhus Konvention Initiative. The communication alleged non-compliance with article 3, paragraph 1, article 6, paragraphs 2 to 9, and article 9, paragraph 2, of the Convention with respect to the Dukovany nuclear power plant and the Party's legal framework in general. With respect to the preliminary admissibility of the communication, the Committee heard the views of representatives of the Party concerned in person and by audio conference and those of the communicant in person. After considering in closed session the information received, the Committee determined that the communication was preliminarily admissible. It requested the secretariat to forward the communication to the Party concerned for its response. Committee member Áine Ryall was confirmed as curator for the case.

III. Reporting requirements

63. The Committee noted that, at its fifth session (Maastricht, the Netherlands, 30 June–1 July 2014), the Meeting of the Parties had urged those Parties that had not yet submitted their national implementation reports — i.e., Portugal, the former Yugoslav Republic of Macedonia and Turkmenistan — to do so by 1 October 2014.[2] To date, Portugal and Turkmenistan had submitted their reports. As noted earlier (see para. 11 above), the former Yugoslav Republic of Macedonia had informed the secretariat on 3 October 2016 that it

[2] See ECE/MP.PP/2014/2, para. 26.

intended to submit its report as soon as possible; however, the report had not so far been received.

IV. Follow-up on specific cases of non-compliance

64. The Committee took note of the developments since its fifty-fourth meeting with respect to decisions V/9a–k, m and n of the Meeting of the Parties, in particular the third progress reports on the implementation of those decisions so far received from the Parties concerned and the comments on those reports received from the communicants and observers.

65. In that regard, with respect to decision V/9a (Armenia), the Committee noted that the third progress report by the Party concerned had been received on 31 October 2016 on time, and had thereafter been sent to the comm .nicants and observers registered to take part in the follow-up on that decision for their comments by 21 November 2016. Comments had been received from the observer Ecological Right on 21 November 2016. The Committee reviewed the implementation of decision V/9a in open session, with the participation of a representative of the Party concerned by audio conference. Though invited, no representatives of the communicants or observers took part in the session. After taking into account the information received, the Committee agreed that its third progress review on the implementation of decision V/9a would be finalized and adopted through its electronic decision-making procedure after the meeting. The Committee requested the secretariat to send the third progress review, once adopted, to the Party concerned, the communicants and the observers.

66. With respect to decision V/9b (Austria), the Committee noted that its second progress review had been sent to the Party concerned on 25 October 2016, with an invitation to the Party concerned to provide its third progress report by 31 December 2016, which would be thereafter forwarded to the communicants for their comments.

67. With respect to decision V/9c (Belarus), the Committee noted that the third progress report by the Party concerned had been received on 31 October 2016 on time, and had thereafter been sent to the communicants and observers registered to take part in the follow-up on that decision for their comments by 21 November 2016. Comments had been received from the observer Ecohome on 22 November 2016. The Committee reviewed the implementation of decision V/9c in open session, with representatives of the Party concerned and Ecohome participating in person. After taking into account the information received, the Committee agreed that its second progress review on the implementation of decision V/9c would be finalized and adopted through its electronic decision-making procedure after the meeting. The Committee requested the secretariat to send the second progress review, once adopted, to the Party concerned, the communicants and observers.

68. With respect to decision V/9d (Bulgaria), the Committee noted that the third progress report by the Party concerned had been received on 28 October 2016 on time, and had thereafter been sent to the communicants for their comments by 19 November 2016. Comments had been received from the communicant of communication ACCC/C/2010/58 on 16 November 2016. The Committee reviewed the implementation of decision V/9d in open session, with a representative of the Party concerned attending in person and a representative of the communicant participating by audio conference. After taking into account the information received, the Committee agreed that its second progress review on the implementation of decision V/9d would be finalized and adopted through its electronic decision-making procedure after the meeting. The Committee requested the secretariat to send the second progress review, once adopted, to the Party concerned and the communicant.

69. With respect to decision V/9e (Croatia), the Committee recalled that its second progress review had been sent to the Party concerned on 25 October 2016, with an invitation to the Party concerned to provide its third progress report by 31 December 2016, which would be thereafter forwarded to the communicant for its comments.

70. With respect to decision V/9f (Czechia), the Committee noted that the third progress report by the Party concerned had been received on 31 October 2016 on time, and had thereafter been sent to the communicants and observers registered to take part in the follow-up on that decision for their comments by 21 November 2016. Comments had been received from the communicant of communications ACCC/C/2010/50 and ACCC/C/2012/70 on 2 December 2016. The Committee reviewed the implementation of decision V/9f in open session, with the participation of representatives of the Party concerned both in person and by audio conference. Though invited, the communicant did not take part in the session. After taking into account the information received, the Committee agreed that its second progress review on the implementation of decision V/9f would be finalized and adopted through its electronic decision-making procedure shortly after the meeting. The Committee requested the secretariat to send the second progress review, once adopted, to the Party concerned, the communicant and the observers.

71. With respect to decision V/9g (European Union), the Committee recalled that the third progress report by the Party concerned had been received on 27 October 2016 on time, and had thereafter been sent to the communicant of communication ACCC/C/2010/54 for his comments by 17 November 2016. Comments had been received from the communicant on 27 October and 1 November 2016. The Committee reviewed the implementation of decision V/9g in open session, with a representative of the Party concerned attending in person and the communicant participating by audio conference. After taking into account the information received, the Committee agreed that its second progress review on the implementation of decision V/9g would be finalized and adopted through its electronic decision-making procedure after the meeting. The Committee requested the secretariat to send the second progress review, once adopted, to the Party concerned and the communicant.

72. With respect to decision V/9h (Germany), it was recalled that on 27 October 2016 the communicant had provided an update on legislative changes currently being undertaken by the Party concerned. The third progress report by the Party concerned had been received on 31 October 2016 on time, and had thereafter been sent to the communicants and observers registered to take part in the follow-up on that decision for their comments by 21 November 2016. No comments had been received. The Committee reviewed the implementation of decision V/9h in open session, with the participation by audio conference of a representative of the Party concerned and two representatives of the five NGOs Naturschutzbund e.V., Bund für Umwelt und Naturschutz e.V., Deutscher Naturschutzring e.V., WWF Deutschland and Greenpeace e.V. as observers. After taking into account the information received, the Committee agreed that its second progress review on the implementation of decision V/9h would be finalized and adopted through its electronic decision-making procedure after the meeting. The Committee requested the secretariat to send the second progress review, once adopted, to the Party concerned, the communicants and observers.

73. With respect to decision V/9i (Kazakhstan), the Committee noted that the third progress report by the Party concerned had been received on 31 October 2016 on time, and had thereafter been sent to the communicants for their comments by 21 November 2016. Comments had been received from the communicant of communications ACCC/C/2004/1 and ACCC/C/2004/2 on 18 November 2016. The Committee reviewed the implementation of decision V/9i in open session, with representatives of the Party concerned attending by audio conference. Though invited, no communicants took part in the session. After taking into account the information received, the Committee agreed that its second progress review on the implementation of decision V/9i would be finalized and adopted through its

electronic decision-making procedure after the meeting. The Committee requested the secretariat to send the second progress review, once adopted, to the Party concerned and communicants.

74. With respect to decision V/9j (Romania), the Committee noted that the third progress report by the Party concerned was due on 31 October 2016 but had not yet been received. The Committee agreed that its second progress review on the implementation of decision V/9j would be finalized and adopted through its electronic decision-making procedure after the meeting. It requested the secretariat to send the second progress review, once adopted, to the Party concerned and communicants.

75. With respect to decision V/9k (Spain), the Committee noted that its second progress review had been sent to the Party concerned on 25 October 2016, with an invitation to the Party concerned to provide its third progress report by 31 December 2016. On 5 December 2016, the Party concerned had provided an update on its progress in implementing decision V/9k, which had thereafter been forwarded to the communicants for their comments.

76. With respect to decision V/9m (Ukraine), the Committee noted that, by letter dated 23 November 2016, the Party concerned had sought the Committee's advice on the extent to which the law "on environmental impact assessment" vetoed by the President on 31 October 2016 would have met the requirements of the Convention if it had entered into force. The Committee agreed to provide the requested assistance, in accordance with paragraph 36 (a) of the annex to decision I/7, in the context of its progress review on the implementation of decision V/9m. The Committee agreed that its progress review on the implementation of decision V/9m would be finalized and adopted through its electronic decision-making procedure after the meeting. The Committee requested the secretariat to send the progress review, once adopted, to the Party concerned, the communicants and the observers.

77. With respect to decision V/9n (United Kingdom), the Committee noted that the third progress report by the Party concerned was due on 31 October 2016 but had not yet been received. It agreed that its second progress review on the implementation of decision V/9n would be finalized and adopted through its electronic decision-making procedure after the meeting. The Committee requested the secretariat to send the second progress review, once adopted, to the Party concerned, the communicants and the observers.

V. Programme of work and calendar of meetings

78. The Committee agreed to hold its fifty-sixth and fifty-seventh meetings in Geneva, from 28 February to 3 March 2017 and from 27 to 30 June 2017, respectively. It agreed to hold its fifty-eighth meeting from 10 to 13 September 2017 in Budva, Montenegro, in parallel with the sixth session of the Meeting of the Parties, which would be held from 11 to 14 September 2017 at the same venue.

VI. Other business

A. Modus operandi

79. The Chair noted that the draft revised Guide to the Compliance Committee (version of 8 December 2015) was available on the meeting web page. The Committee discussed in open session a number of the comments received from European Eco Forum on the draft revised Guide and invited any further comments on the draft text to be sent by 1 February 2017. The Committee agreed that it would discuss the new draft text, incorporating the comments received to date as well as any further comments received, at its fifty-sixth

meeting. The new draft would be posted on the web page for the fifty-sixth meeting in advance of that meeting.

B. Other matters

80. The secretariat reported that the second global round table on public awareness, access to information and public participation regarding genetically modified organisms had been held in Geneva from 15 to 17 November 2016. The round table had been organized jointly with the secretariat of the Convention on Biological Diversity.

81. The secretariat informed the Committee that the thirty-ninth meeting of the Convention's Bureau and the seventh meeting of the Task Force on Public Participation in Decision-making would be held back to back in Geneva, on 13 and 14 December 2016 and on 15 and 16 December 2016, respectively.

82. The secretariat reported that the fourth meeting of the Meeting of the Parties of the Protocol of the Water and Health had taken place in Geneva from 14 to 16 November 2016. At that meeting, the former Chair of the Aarhus Convention Compliance Committee, Veit Koester, had ended his term as Chair of the Compliance Committee under the Protocol on Water and Health. The Committee expressed its sincere appreciation for the significant contribution Mr. Koester had made to the development and work of multilateral environment agreement compliance mechanisms, and not least that of the Aarhus Convention.

83. Committee member Jerzy Jendroška reported that the ninth meeting of the Conference of the Parties to the Convention on the Transboundary Effects of Industrial Accidents had been held in Ljubliana, Slovenia, from 28 to 30 November 2016. At the meeting, Parties had not adopted the proposed amendment to the Convention intended to align its provisions, inter alia, with the Aarhus Convention.

84. The Chair informed the Committee of his participation in a conference on "The Ecosystem Approach in Ocean Planning and Governance" held in Gothenburg, Sweden, on 7 November 2016.

85. The Chair also reported on his participation in a joint international seminar on human rights, environmental law and children's rights organized by the University of Stockholm and the University of Nigeria in Nsukka, Nigeria, on 2 to 3 November 2016.

86. Committee member Alistair McGlone noted his participation in the Aarhus Convention and Nuclear European Round Table on Nuclear Emergency Preparedness and Response, held on 29 to 30 November 2016 in Luxembourg.

87. Committee member Mr. Jendroška further reported on his participation at the fifth meeting of the negotiating committee of the regional agreement on access to information, participation and justice in environmental matters in Latin America and the Caribbean, which had been held in Santiago de Chile from 21 to 25 November 2016.

88. A representative of Earthjustice, speaking on behalf of the European Eco Forum, informed the Committee of relevant developments that had taken place at the United Nations Climate Change Conference in Marrakech, Morocco from 7 to 18 November 2016.

VII. Adoption of the report and closure of the meeting

89. The Committee agreed to adopt its report through its electronic decision-making procedure after the meeting. The Chair then officially closed the fifty-fifth meeting.